IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 19th day of March, 2005
Bail Application no.232 of 2005
Order on the bail Application of accused

CRIMINAL SIDE

Bhura
S/o Mohammad Shafiq
R/o Mohalla Garhi Desh Nagar
District-Pilibhit.

.....Applicant

Versus

State of Uttaranchal

.....Opposite Party

Arising out of case crime No. 55 of 2005
U/Ss 363/366/376 I.P.C.
Police Station – Khatima
District-Udham Singh Nagar

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 55 of 2005, U/Ss 363/366/376 I.P.C., Police Station- Khatima, District – Udham Singh Nagar.

Heard Sri R.S. Sammal, learned counsel for the applicant and learned Addl. G.A.

Perused the F.I.R. as well as statement of the prosecutrix u/s 161 Cr.P.C. recorded by the Investigating Officer. Learned Add. G.A. has submitted that the statement recorded u/s 164 Cr.P.C. shows different story and it reveals that the statement u/s 164 Cr. P.C., the prosecutrix was enticed by the applicant and subsequently subjected to rape.

In view of the aforesaid, I find that there is averment between statement recorded u/s 161 and 164 Cr. P.C.

Learned Addl. G.A. could also not produce any supplementary medical report which may verify the age of the prosecutrix.

Having considered aforesaid circumstances, I think it just and proper to release the applicant on bail at this stage.

Let the applicant, Bhura be released on bail on executing personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

March 19, 2005
Shiv